

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

SHANDLE MARIE RILEY and ANGEL)
CHERIE JOHNSON, parent and next)
friend of Minor C.P.S.)

Plaintiffs,

v.)

HAMILTON COUNTY GOVERNMENT,)
DANIEL WILKEY, individually and in his)
capacity as deputy sheriff for Hamilton)
County Government, and JACOB)
GOFORTH, individually and in his)
capacity as deputy sheriff for Hamilton)
County Government,)

Defendants.

LEAD OF CONSOLIDATED CASES
No. 1:19-cv-304

MEMBER CASE
No. 1:19-cv-329

Judge Travis R. McDonough

Magistrate Judge Christopher H. Steger

ORDER

On June 9, 2022, the Court entered an order allowing Plaintiff Angel Johnson's counsel to withdraw from representation of Ms. Johnson. (Doc. 525.) The Court gave Ms. Johnson until August 8, 2022, to obtain new counsel or inform the Court she was proceeding pro se and warned her that failure to do so could result in a dismissal under Federal Rule of Civil Procedure 41 for failure to prosecute. (*Id.* at 1.) Plaintiff failed to do so. On July 18, Defendant Tyler McRae filed his third motion to compel discovery and to sanction Ms. Johnson for failure to comply with this Court's orders and for spoliation of evidence. (Doc. 618.) Defendant revealed evidence that Ms. Johnson lied under oath when she stated at a prior hearing that items sought in discovery were unobtainable. (Doc. 663, at 2–3.)

On August 26, 2022, United States Magistrate Judge Christopher H. Steger issued a report and recommendation, recommending the Court dismiss Ms. Johnson's complaint with prejudice as a sanction for failure to cooperate in discovery pursuant to Federal Rule of Civil Procedure 37(a) and (d), and for failure to prosecute her action pursuant to Federal Rule of Civil Procedure 41(a). (Doc. 663, at 1.) Plaintiff did not timely object to the report and recommendation.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's finding of fact, conclusions of law, and recommendation. Therefore, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 663) pursuant to 28 U.S.C. § 636(b)(1), and **ORDERS** that the action be **DISMISSED WITH PREJUDICE**. No attorney's fees and costs are awarded to Defendant in connection with this third motion to compel.

SO ORDERED.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE